

REMARKS

Claims 1-23 were pending in the application and subject to a restriction requirement. New claims 24-44 have been added. Claims 1-23 have been cancelled without prejudice as directed to non-elected inventions.

Support for new claims 24-44 can be found throughout the application as originally filed, including, for example, Table 8 and paragraphs [0027], [0028], [0030], [00129], [0150], [0151], [0153], and [0155].

No new matter has been added.

Upon entry of this amendment, claims 24-44 will be pending.

Restriction Requirement

Claims 1-23 are subject to a restriction requirement. The Examiner required Applicants to elect one of four allegedly patentably distinct inventions for examination as follows:

I. Claims 1-16 and 19-22, drawn to polynucleotides, host cells, vectors, methods for producing polypeptides, nucleic acid molecular hybridization assays, and computer readable media, classified in class 536, subclasses 23.1 and 23.5, class 435, subclasses 6, 69.1, 325, and 252.3, and class 702, subclass 20.

II. Claim 17, drawn to polypeptides, classified in class 530, subclass 350.

III. Claim 18, drawn to antibodies, classified in class 530, subclass 387.1.

IV. Claim 23, drawn to methods for inhibiting tumor growth, classified in class 514, subclass 44.

(Office Action, page 2). As set forth herein, however, Applicants have amended the claims to include further invention(s) fully supported by the originally filed application. For example, claims 24-42 are directed to methods for diagnosing/detecting cancer (hereinafter "Group V") while claims 43 and 44 are directed to methods for screening for anticancer activity (hereinafter "Group VI"), both

involving the comparison of levels of nucleic acid comprising SEQ ID NO:114 and 95% homologs thereof.

Accordingly, Applicants elect Group V, corresponding to claims 24-42 and drawn to methods of diagnosing/detecting cancer. Further, Applicants elect SEQ ID NO:114. Notwithstanding the foregoing, however, Applicants respectfully suggest that both groups V and VI of new claims be searched and examined together without any serious burden.

Applicants reserve the right to prosecute the claims encompassed by any of the non-elected groups in future divisional applications.

Related Applications

Applicants call the Examiner's attention to the following related application: 09/932,076 (abandoned). This application is available in PAIR and the Examiner is encouraged to review it.

PP015990.0007 (20366-118002)
Ser. No. 10/615,618

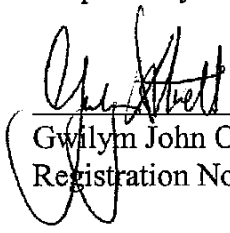
PATENT
Filing Date: July 7, 2003

Conclusion

The examination of the pending claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (302) 778-8458 to clarify any unresolved issues raised by this response.

Please apply any charges or credits to Deposit Account No. 06-1050 referencing Attorney Docket No. 20366-118002.

Respectfully submitted,



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